

control of the materials used, manufacturing methods and the finished product so as to meet the applicable requirements, and shall make sufficient inspections and tests of representative samples and components produced to maintain the quality of the finished product. Records of tests conducted by the manufacturer and records of materials, including affidavits by suppliers that applicable requirements are met, entering into manufacture shall be made available to the recognized laboratory inspector or the Coast Guard marine inspector, or both, for review upon request.

(b) *Laboratory inspection and tests.* Such examinations, inspections and tests as are required by the recognized laboratory for listed and labeled material produced will be conducted by the laboratory inspector at the place of manufacture or other location at the option of the laboratory.

(c) *Test facilities.* The laboratory inspector, or the Coast Guard marine inspector assigned by the Commander of the District in which the factory is located, or both, shall be admitted to any place in the factory where work is being done on listed and labeled products, and either or both inspectors may take samples of parts or materials entering into construction of final assemblies, for further examinations, inspections, or tests. The manufacturer shall provide a suitable place and the apparatus necessary for the performance of the tests which are done at the place of manufacture.

(d) *Additional tests, etc.* Unannounced examinations, tests, and inspections of samples obtained either directly from the manufacturer or through commercial channels may be made to determine the suitability of a product for listing and labeling, or to determine conformance of a labeled product to the applicable requirements. These may be conducted by the recognized laboratory or the U.S. Coast Guard.

[CGFR 70-143, 35 FR 19967, Dec. 30, 1970]

§ 164.012-14 Procedure for listing and labeling.

(a) Manufacturers having a surfacing material which they consider has characteristics suitable for general use on merchant vessels may make applica-

tion for listing and labeling as an interior finish by addressing a request directly to a recognized laboratory. The laboratory will inform the submitter as to the requirements for inspection, examinations, and testing necessary for such listing and labeling. The request shall include a permission for the laboratory to furnish a complete test report together with a description of the quality control procedures to the Commandant, U.S. Coast Guard.

(b) The U.S. Coast Guard will review the test report and quality control procedures to determine if the approval requirements have been met. If this is the case, the Commandant will notify the laboratory that the material is approved and that when the material is listed and labeled it may be marked as being U.S. Coast Guard approved. Notice of U.S. Coast Guard approval will be published in CG-190.

(c) If disagreements concerning procedural, technical or inspection questions arise over U.S. Coast Guard approval requirements the opinion of the Commandant shall be requested by the laboratory.

(d) The manufacturer may at any time request clarification or advice from the Commandant on any question which may arise regarding manufacturing and approval of approved devices.

[CGFR 70-143, 35 FR 19967, Dec. 30, 1970]

§ 164.012-15 Termination of listing and labeling.

(a) Listing and labeling as an interior finish acceptable to the Commandant as approved may be terminated, withdrawn, canceled, or suspended by written notice to the recognized laboratory from the Commandant, or by written notice to the manufacturer from the recognized laboratory or from the Commandant.

(b) The condition which may be the cause for termination of listing and labeling may be any of the following:

(1) When the manufacturer does not desire to retain the service.

(2) When the listed product is no longer being manufactured.

(3) When manufacturer's own program does not provide suitable assurance of the quality of the listed and labeled product being manufactured.

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(4) When the product manufactured no longer conforms to the current applicable requirements of the U.S. Coast Guard and the recognized laboratory.

(5) When service experience or laboratory or U.S. Coast Guard reports indicate a product is unsatisfactory.

[CGFR 70-143, 35 FR 19967, Dec. 30, 1970]

Subpart 164.013—Foam, Unicellular Polyethylene (Buoyant, Slab, Slitted Trigonal Pattern)

SOURCE: CGD 95-028, 62 FR 51216, Sept. 30, 1997, unless otherwise noted.

§ 164.013-1 Scope.

(a) This subpart contains performance requirements, acceptance tests, and production testing and inspection requirements for polyethylene foam used in the construction of personal flotation devices (PFDs) approved under part 160 of this subchapter. Manufacturers shall also comply with the requirements of subpart 164.019 of this chapter.

(b) All polyethylene foams accepted under this subpart are non-standard components. Acceptance of polyethylene foam prior to being incorporated into finished PFDs, or during the course of manufacture, shall in no case be construed as a guarantee of the acceptance of the finished PFD.

§ 164.013-2 Incorporation by reference.

(a) Certain materials are incorporated by reference into this subpart with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the FEDERAL REGISTER and the material made available to the public. All approved material incorporated by reference may be inspected at the National Archives and Records Administration (NARA), and at the U.S. Coast Guard, Lifesaving and Fire Safety Division (G-MSE-4), Washington, DC 20593-0001, and is available from the source indicated in paragraph (b) of this section. For information on the availability of this material at NARA, call

202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) The materials approved for incorporation by reference in this subpart, and the sections affected are as follows:

UNDERWRITERS LABORATORIES (UL)

Underwriters Laboratories, Inc., P.O. Box 13995, Research Triangle Park, NC 27709-3995 (Phone (919) 549-1400; Facsimile: (919) 549-1842).

UL 1191, Standards for Components for Personal Flotation Devices, May 16, 1995—164.013-3; 160.013-5.

1(c) *Copies on file.* Copies of the specifications and letter of acceptance shall be kept on file by the manufacturer.

[CGD 95-028, 62 FR 51216, Sept. 30, 1997, as amended at 69 FR 18803, Apr. 9, 2004]

§ 164.013-3 Material properties and workmanship.

(a) *General.* The unicellular polyethylene foam shall be all new material complying with the requirements outlined in this specification. Unicellular polyethylene foam must comply with the requirements of UL 1191, sections 24, 25, and 26 and its assigned Use Code. Thickness tolerances of the foam must permit the manufacture of PFDs complying with their required buoyancy tolerances.

(b) *Use Codes 4BC, 4H.* Each foam which has a C-factor of at least 94 according to UL 1191 may be assigned Use Codes 4BC and 4H.

(c) *Use Codes 2, 3, 5R.* Each foam which has a V-factor of at least 85 according to UL 1191 may be assigned Use Codes 2, 3, 5R (recreational use applications).

§ 164.013-4 Samples submitted for acceptance.

Application samples. A product sample submitted for acceptance as required by § 164.019-7(c)(4) must consist of at least one square foot by the thickness of foam produced.

§ 164.013-5 Acceptance tests.

Manufacturers shall ensure that the performance and identification tests described in UL 1191, as appropriate, are performed on a minimum of five samples in each of the lightest and